

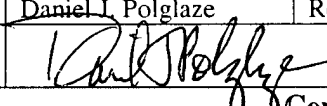
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First Named Inventor	D. Mark Durcan	<p style="text-align: center;"><b>TRANSMITTAL FORM UNDER 37 CFR 1.10 (LARGE ENTITY)</b></p>
Serial No.	09/652,998	
Filing Date	August 31, 2000	
Group Art Unit	2814	
Examiner Name	Anh D. Mai	
Attorney Docket No.	400.153US07	
Title: CONTAINER CAPACITOR STRUCTURE AND METHOD OF FORMATION THEREOF		

Commissioner for Patents  
BOX NON-FEE AMENDMENT  
Washington, DC 20231

Enclosures							
<p>The following documents are enclosed:</p> <p><input checked="" type="checkbox"/> A Response to Non-Final Office Action (4 pgs.)</p> <p><input checked="" type="checkbox"/> A return postcard.</p> <p>Please charge any additional fees or credit any overpayments to Deposit Account No. 501373.</p> <p style="text-align: center;"><b><u>CUSTOMER NUMBER 27073</u></b></p> <p>Leffert Jay &amp; Polglaze, P.A. P. O. Box 581009 Minneapolis, MN 55458-1009</p>							
Fee Calculation							
	Number of Claims		Prv. Amt.	Extra Claims		Fee	Fee Paid
Total Claims		-20		0	X	\$18	=
Independent Claims		-3		0	X	\$84	=
							=
<b>Total</b>							
Submitted By							
Name	Daniel J. Polglaze		Reg. No.	39,801		Telephone	(612) 312-2203
Signature					Date	December 20, 2002	
Certificate of Mailing							
<p>"Express Mail" mailing label number: <b><u>EV256356399US</u></b> Date of Deposit: <b><u>December 20, 2002</u></b></p> <p>These papers and fees are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and addressed to the Commissioner for Patents, Washington, D.C. 20231.</p>							

(LARGE ENTITY TRANSMITTAL UNDER 37 C.F.R. 1.10)

S/N 09/652,998



#16  
Response  
1/2/03  
PATENT *amr*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named

Inventor: D. Mark Durcan

Examiner: Anh D. Mai

Serial No.: 09/652,998

Art Unit: 2814

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THEREOF

**RESPONSE**

Commissioner for Patents  
Washington, D.C. 20231

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In response to the Office Action dated September 24, 2002, Applicant responds as follows:

**REMARKS**

**Objections**

The Examiner objected to the amendment filed June 24, 2002, under 35 U.S.C. §132 asserting it "introduces new matter into the disclosure," and requires the applicant to cancel the new matter thusly identified. Applicant submits that the originally specification contains clear support for the amendment.

Specifically, the subject matter objected to in the Office Action is asserted by the Office Action as follows: (1) "the top capacitor plate includes a lateral clearance opening at the first level around the contact and does not vertically descend between the first, second and third bottom capacitor plates and the contact"; (2) "the bit line contact downwardly extends from a vertical height above a top of the first and second bottom electrodes" and (3) "wherein the top electrode includes a lateral clearance opening above the top of the first bottom electrode".

Taking these points in order, with respect to assertion (1), Applicant refers to page 13, lines 16-20 of the specification, which reads "[o]ne skilled in the art can now appreciate that, when a dielectric and top electrode are subsequently deposited, those layers will not deposit between a bottom electrode and its neighboring contact site ..." This text refers to Figure 8A, which also clearly shows the top capacitor plate not vertically descending, as is recited in the